

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:

BI-LO, LLC *et al.*

Debtors.

Case No. 09-02140

**Motion
In Support of
Pro Hac Vice Application**

The undersigned local counsel hereby moves, together with the attached Application and Affidavit, that Josiah M. Daniel, III be admitted *pro hac vice* in the above-captioned case as associate counsel. As local counsel, I understand that:

1. I will personally sign and include my District of South Carolina federal bar attorney identification number on each pleading, motion, discovery procedure, or other document that I serve or file in this court; and

2. All pleadings and other documents that I file in this case will contain my name, firm name, address, and phone number and those of my associate counsel admitted *pro hac vice*; and

3. Service of all pleadings and notices as required shall be sufficient if served upon me, and it is my responsibility to serve my associate counsel admitted *pro hac vice*; and

4. Unless excused by the court, I will be present at all pretrial conferences, hearings, and trials and may attend discovery proceedings. I will be prepared to actively participate if necessary.

5. Certification of Consultation (Local Civil Rule 7.02).

- ☒ Prior to filing this Motion, I conferred with opposing counsel who has indicated the following position as to this Motion: ☐ will likely oppose; ☒ does not intend to oppose
- ☐ Prior to filing this Motion, I attempted to confer with opposing counsel but was unable to do so for the following reason(s):
- ☐ No duty of consultation is required because the opposing party is proceeding *pro se*.

Nelson Mullins Riley & Scarborough LLP
Firm Name

P.O. Box 11070

Street Address or Post Office Box

Columbia, SC 29211-1070

City, State, Zip Code

(803) 799-2000

Telephone Number

George B. Cauthen

Name of Local Counsel

Signature of Local Counsel

Local Counsel for the Debtor

District of South Carolina

Federal Bar Number 81

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:

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Application/Affidavit for
Pro Hac Vice Admission

- (1) Name, Josiah M. Daniel, III
First Middle Last
- (2) Residence. I reside in the following state: Texas
If a South Carolina resident, indicate months/years of residence: _____
- (3) Business Address. I am an attorney and practice law under the name of or as a member of the following firm:
Firm name: Vinson & Elkins, LLP
Mailing address: 2001 Ross Ave., Suite 3700, Dallas, TX 75201
Telephone number: (214) 220-7718
Facsimile number: (214) 999-7718
E-mail address: jdaniel@vlaw.com
(Application will not be considered without an e-mail address to receive electronic notification.)
- (4) Jurisdiction of this Court. I, by execution of this Application and Affidavit, consent and agree to comply with the applicable statutes, laws, and rules of the State of South Carolina, with all applicable federal statutes, laws, and rules, including Local Rules of the United States District Court for the District of South Carolina (particularly, Local Civil Rule 83.1.08 and/or Local Criminal Rule 57.1.08). I consent to the jurisdiction of the United States District Court for the District of South Carolina in all matters of attorney conduct.¹
- (5) Regular Practice of Law. I am a member in good standing of the bar of the highest court of the District of Columbia or the State of Florida where I regularly practice law. **Attached is my certificate of good standing.**
- (6) Additional Bar Membership. I have been admitted to practice before the following courts: (List all of the courts Applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.) By signing this Affidavit, I certify that I am a member in good standing of each of the listed bars unless otherwise noted.

¹ This District maintains a web site (www.scd.uscourts.gov) from which the federal and local rules of procedure and related materials may be obtained.

Court	Date Admitted	Good Standing
US District Court, Northern Texas	1979	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
US District Court, Southern Texas	1988	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
US District Court, Western Texas	1988	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
US District Court, Eastern Texas	1988	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
US Court of Appeals for Fifth Circuit	1983	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
US Court of Appeals for Fourth Circuit	1990	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
US Court of Appeals for Tenth Circuit	1990	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
US Supreme Court	1999	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

- (7) Pending Disciplinary Matters. Are you presently the subject of any formal suspension or disbarment proceedings, and have you been notified by any disciplinary agency of the initiation of formal procedures?

☐ Yes ☒ No

(If "yes," give particulars, such as jurisdiction, court, date, grounds. Information to comply with this paragraph may be provided *in camera* but that fact shall be revealed below.)

- (8) Curtailment of Prior *Pro Hac Vice* Admissions. Have you ever had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked?

☐ Yes ☒ No

(If "yes," give particulars, such as date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation.)

- (9) Sanctions. Have you ever had any certificate or privilege to appear and practice before any judicial or administrative body suspended or revoked, or received a public reprimand or greater sanction?

☐ Yes ☒ No

(If "yes," give particulars, e.g., judicial or administrative body, date of suspension, and reinstatement.)

- (10) Criminal Sanctions. Have you ever been convicted of a felony under the laws of the District of Columbia or of any State or under the laws of the United States?

☐ Yes ☒ No

(If "yes," give particulars, such as date, court, judge, circumstances, and ultimate disposition.)

- (11) Present and Previous *Pro Hac Vice* in this Court. Have you, within the last ten (10) years, filed an application to appear *pro hac vice* in the United States District Court for the District of South Carolina or another court in the state of South Carolina?

☐ Yes ☒ No

(If "yes," give court, case name, docket number, and status of litigation, year of application, local counsel of record in each case, and state whether application is pending or was granted.) Attach additional pages if necessary.

- (12) Designated Local Counsel. Local counsel of record associated with Applicant in this case is:

Attorney Name:	<u>George B. Cauthen</u>
Firm Name:	<u>Nelson Mullins Riley & Scarborough LLP</u>
Street Address or PO Box:	<u>P.O. Box 11070</u>
City, State, and Zip Code:	<u>Columbia, South Carolina 29211-1070</u>
Telephone Number:	<u>(803) 799-2000</u>
E-Mail Address:	<u>george.cauthen@nelsonmullins.com</u>

I understand that local counsel of record is required to: (1) personally sign each pleading, motion, discovery procedure, or other document served or filed in this Court; (2) accept service of all pleadings and notices as required on behalf of all counsel for the party represented; (3) be present at all pretrial conferences, hearings and trials, unless excused by the Court; (4) be prepared to participate actively as may be necessary; and (5) assure compliance with Local Civil Rules 83.1.04, 83.1.05, and 83.1.06 or Local Criminal Rules 57.1.04, 57.1.05, and 57.1.06 as appropriate. Local counsel of record may attend discovery proceedings.

- (13) Associated Counsel. In addition to local counsel designated above, the following counsel are also associated with the undersigned in this case.

- (14) Application Fee. I affirm that the application fee of two hundred and fifty dollars (\$250) has been paid in accordance with Local Civil Rule 83.1.05 or Local Criminal Rule 57.1.05 or paid herewith.

- (15) Electronic Notification. By submitting this application, I consent to electronic notification.

- (16) Represented Party/Parties. I seek to represent the following party/parties:

BI-LO, LLC

Joseph M. Daniel, III
Signature of Applicant

Sworn to and subscribed before me
this 23 day of March 2009.

Theresa H. Givens
A Notary Public of the State of South Carolina

My Commission expires: February 4, 2012

Certificate of Good Standing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

I, **KAREN MITCHELL**, Clerk of the United States District Court, Northern District of Texas,
DO HEREBY CERTIFY that **Josiah M Daniel**, Bar # **05358500**, was duly admitted to practice in said
Court on **12/05/79**, and is in good standing as a member of the bar of said Court.

Signed at **Dallas**, Texas on **03/18/09**

Karen Mitchell

BY: *Paul Reynolds*
Deputy Clerk